

## Minutes of the June 22 2012 Regular Council Meeting

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Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Serio, Bunting, Langan, Weistling, Carmean, Tingle and Smallwood

Absent: None

### President's Report

- Mayor Serio advised that the Town staff is busy getting ready for the summer
- The Park Committee will meet the end of within the next week to look at conceptual drawings of the possible layout for the Cannon Street Park. The Committee will make recommendations to Council who will decide on the final design. Bids will be let out and staff will work on several aspects of the construction. All depends on being awarded a grant from the State of Delaware; announcement to be made on June 27, 2012.

### Topics for Discussion and Possible Action

- a. Swearing in of Board of Elections – Secretary Diane Tingle swore in Lynn Andrews and Dick Bowman. Mary Wright was absent.
- b. Certification of Nominees for Town Council – Secretary Tingle read into the record the Board of Elections declaration cancelling the August 4, 2012 Election and declaring R Gardner Bunting, Diane B Tingle and William Weistling Jr to be elected (copy attached to these minutes).

Motion to accept certification – Council Member Bunting

Second – Council Member Langan

DISCUSSION – None

Vote – All in favor to accept certification (7-0)

- c. Resolution #55-2012 Fee Schedule – Mayor Serio read the fee schedule into the record noting that there are three (3) changes: Comprehensive Trash Fee is \$269 (there will be 2 additional yard waste collections this year); Collection Letter fee is \$200; and Bonfire Fees are \$50 non-refundable and \$100 refundable deposit (copy of resolution attached to these minutes).

Motion to accept Resolution #55-2012 Fee Schedule – Council Member Tingle

Second – Council Member Langan

DISCUSSION – None

Vote – All in favor (7-0)

- d. FY13 Budget – Council Member Bunting and Town Manager Burke presented the FY13 Budget for approval. This budget is 3% higher than last year but there is no increase in taxes. There is a decrease in trash collection fees.

Motion to approve the FY13 Budget – Council Member Tingle

Second – Council Member Carmean

DISCUSSION – Town Manager Burke advised that the Capital Budget includes street and drainage projects as well as single purchases such as copiers and the Lifeguard ATV.

Vote – All in favor of approving the FY13 Budget as presented (7-0)

- e. Town Bonfire – Becka McWilliams asked Council for approval to hold the annual bonfire on Friday 7/6/2012 from 6:30 – 10:30 PM on Dagsboro Street beach. She asked for Council to approve the budget of \$375 (glo-sticks); \$125 (wood); \$90 (port-o-pots); \$57 (advertising). The event will feature a silent auction, t-shirt sales and games for kids.

### DISCUSSION

Council Member Bunting agreed to provide electricity again this year. Mayor Serio suggested that this is an annual planned event and that the Beach Committee comes to Council only for approval of a budget; Town Manager Burke advised that this activity is funded in the FY13.

Motion to recognize the Town Bonfire as an annual planned event sponsored by The Town and to allocate up to \$1200 in the budget to fund the activity – Council Member Langan

Second – Council Member Bunting

Vote – All in favor (7-0)

- f. Request to Waive Board of Adjustments Hearing Fee – Building Official Pat Schuchman advised that property owner Jacque Napolitano has requested that Council waive the Board of Adjustments Hearing Fee and allow her to erect a fence on her property. She has received an estimate to meet her family's safety needs but that the cost to erect the fence would be approximately \$7,000 plus the \$750 Hearing Fee.

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## DISCUSSION

Mayor Serio noted that Town Code does allow for a fence to be erected between commercial and residential and that Ms. Napolitano's request might be handled in a different way other than seeking a Board of Adjustments variance. This is a matter of security and Council is sympathetic to her need. Council Member Weistling suggested that Charter and Ordinance could seek to review and possibly change Town Code to bring it up to current needs of the community. Currently, the first 25' of fence cannot be higher than 4' high. Beyond that point, it can be 7' high. C&O might consider allowing a 7' high fence to go in line with a commercial building. Mayor Serio added that it will take as long to get the ordinance changed as it will to get a hearing and that an ordinance change might be in order. Council member Weistling advised that the earliest she could erect the fence will be in the fall regardless of which way Council chooses to deal with the matter and that C&O will take the matter up at its July 2012 meeting. No other action was required.

**Service Award** – Mayor Serio and Chief Boyden presented CPL Trudy Schuyler with a 5-year Service Award. CPL Schuyler has been out on of work due to an injury sustained during the course of an arrest. She remains a valued member of the Fenwick Island Police Department.

## Approval of Minutes:

Motion to Approve the Minutes of May 18, 2012 Meeting - Council Member Carmean

Second - Council Member Smallwood

DISCUSSION – None

Vote: All in favor to accept the minutes (7-0)

## Treasurer's Report:

Council Member Bunting advised the Town is still under budget. After meeting with a representative of Ocean City Bank, the Town has decided to take part in a new investment program that will pay a higher interest rate.

DISCUSSION - None

Motion to accept the Treasurer's Report – Council Member Carmean

Second – Council Member Langan

Vote: All in favor to accept the Treasurer's report (7-0)

## Town Manager Report:

Town Manager Burke reported that:

- He has coordinated with the Bethany-Fenwick Chamber of Commerce to present its first movie on the beach June 26, 2012 at 8 PM on Farmington Street Beach.
- He has attended DE Office of Pensions training.
- The State of Delaware Parks Grant will send out notifications on June 27, 2012.
- The Chamber of Commerce has negotiated a new contract for electricity service resulting in a lower rate than the current rate.
- Public Works completed a clean up of sea grass on the beach. Mr. Burke thanked the FIBP for helping with the project.
- Delmarva Power has advised Mr. Burke that approximately 50 street lights will be replaced.
- The Town will print its own tax bills beginning this year. Town Clerk DiPietrantonio explained the new format.

DISCUSSION - None

## Department Reports:

- Building Official – Patricia Schuchman advised that her report is included in the meeting packet.
  - She issued 15 Outside Contractor licenses, 10 Rental licenses and 3 resident merchant licenses. New construction permits will be down because pile driving is prohibited during the summer.
- Public Works – Bryan Reed advised that his report is included in meeting packet.
  - Mobi mats have been placed on 10 out of 12 beach ends. Path Mat has supplied The Town with two test mats to use this summer. They will be on Farmington Street in time for movie night.
  - The ADA ramp at Bayard Street has been repaired.
- Fenwick Island Police Department – Chief Boyden reported that in addition to his report (included in Council booklet) the increase in the number of complaints and in the amount of time spent assisting other agencies is

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mostly due to pro-active law enforcement as a result of a burglaries in the area. Traffic enforcement is down as a result.

- Nixle is operational again. The Department has a supply of 911 cell phone available free of charge.
  - The Department is reactivating the bicycle patrol during 12-hour shifts when an additional officer is on duty. Excess funds in the Office Equipment budget were used to purchase the bike and helmets (~\$800). The bicycle officer will be fully equipped except for a PC; he is researching hand-held devices.
  - Chief Boyden urged residents to call the police if they see something unusual. Don't wait to call.
- Beach Patrol – Captain Time Ferry reported that his report is included in the Council packet.
    - Since his printed report, the patrol has effected 27 rescues for the season.

## **Committee Reports:**

- Beach Committee –Becka McWilliams had nothing further to add.
- Environmental Committee – Chair Mary Ellen Langan reported that the committee is working on a flyer/information packet to be handed out.

**Planning Commission:** No report

## **Charter & Ordinance**

- **Proposed Second Reading Chapter 142 Subdivision of Land – Council Member Weistling**

Council Member Weistling motioned that Council accept the proposed Second Reading (copy attached to these minutes)

Second – Council Member Langan

DISCUSSION

Council Member Weistling advised that the primary change is to the notification process.

VOTE: Smallwood – yes; Carmean – yes; Bunting – yes; Serio – yes; Weistling – yes; Tingle – yes; Langan – yes  
Passed (7-0)

## **Old Business**

Mayor Serio advised that the Memorial Day Service and Public Safety Building Dedication were well attended.

## **New Business – No Action to be Taken - None**

## **Public Participation:**

- John Belian (1 W Houston) – announced that the Fenwick Island Fishing Club will have its annual tournament on 10/6/12 between Farmington and Lewes Streets on the beach. He asks Council's assistance. Mayor Serio advised that his request should be added to the July 2012 Council Agenda.
- Lynn Andrews (1205 Schulz Rd) – noted that her trash calendar showed yard waste collection on June 14 but it was in fact collected June 21. Town Manager Burke advised that yard waste is collected the third Thursday of each month. Mrs. Andrews also advised that she has more names to add to her petition to name the new park after the late Mary Pat Kyle.
- Lynn Andrews continued – by asking why the Town has received only \$15,000 from the State for lifeguard coverage; Mayor Serio advised that amount was from Sussex County. Mrs. Andrews also suggested that homeowner Napolitano use Leyland cypress trees between her home and the Sands motel.

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## **Upcoming Events and Meetings:**

Mayor Serio announced all upcoming meetings and events.

Motion to adjourn – Council Member Weistling

Second – Council Member Bunting

Meeting adjourned at 4:35 PM.

Agnes DiPietrantonio, Town Clerk  
for Diane Tingle, Secretary

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## NOTICE

On June 22, 2012 The Fenwick Island Town Council  
Passed the Following Resolution #55-2012  
Fee Schedule

TO: All Members of Town Council  
Property Owners and Residents of the Town of Fenwick Island  
Sussex County Board of Elections

FROM: Board of Elections, Town of Fenwick Island  
Frances (Lynn) Andrews, Richard Bowman, and Mary Wright

DATE: June 22, 2012

WHEREAS, the Board of Elections has examined the Certificates of Eligibility submitted by the four (4) nominees, and do HEREBY declare, the following candidates eligible and qualified to serve:

R Gardner Bunting  
Natalie Magdeburger  
Diane Tingle  
William Weistling Jr


WHEREAS, one candidate, Natalie Magdeburger, has voluntarily withdrawn her application;

WHEREAS, there being no other nominees for the three (3) Council positions presently eligible to be filled by election of qualified candidates;

THEREFORE, the Board of Elections declares that these three (3) remaining candidates are hereby declared elected to fill the three (3) vacancies, and the scheduled August 4, 2012 election is hereby cancelled.

Signed and dated June 22, 2012

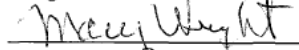
Chairman

  
Frances (Lynn) Andrews

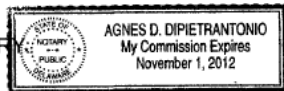
Inspector

  
Richard Bowman

Judge

  
Mary Wright

NOTAR





Cc: Administration File

## L - ANNUAL BUSINESS LICENSE FEES

- (1) Retail Merchant (100-3-A)
  - (a) \$150 + .08 per square foot of Floor Space.
- (2) Building or Service Contractor (100-3-B)
  - (a) \$50 if Revenue made in Town is less than \$1500 yearly.
  - (b) \$150 if Revenues made in Town are more than \$1500 yearly.
  - (c) \$5 for additional license decal.
- (3) Rental Landlord (100-3-C)
  - (a) \$150 for Residential and Commercial rentals.
  - (b) \$150 + \$7.20 per sleeping unit for motels/hotels.
- (4) Vending Machines (100-3-D)
  - (a) \$25 for newspaper & postage.
  - (b) \$50 for dispensing machines; such as drink, food, candy, ice etc.
  - (c) \$50 children's amusement.
  - (d) \$75 music.
  - (e) \$250 amusement & games.

## B - BUILDING PERMIT FEES

- (1) 3% of estimated construction cost - \$50 minimum. (61-8)
- (2) Permit for approved building move - \$350. (61-12-B)
- (3) Renewable Energy building permit fee - 2% ECC or \$100 whichever is less (160-7)

## S - SIGN PERMITS FEES (136-6-c)

- (1) Multiple use identification sign - \$200 (135-6-c)
- (2) Single use identification sign \$2 per lineal foot up to maximum of \$100. (135-6-c)
- (3) All other sign permits - \$20 (135-6-c)

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## **P - PARKING PERMIT FEES (112-11-P)**

- (1) Daily weekday - \$10
- (2) Daily weekend & holiday - \$20
- (3) Weekly - \$60
- (4) Weekend - \$50 (3-day)
- (5) Monthly - \$200
- (6) Summer - \$400
- (7) Replacement of lost permit (property owner & purchased) - \$50
- (8) Extra Resident Hang Tag (blue) - \$50

## **C - COPY FEES**

- (1) Xerox or computer printout copy - \$ .50
- (2) Audio cassette/CD/DVD- \$25
- (3) Town Code Book - \$300
- (4) Town Merchant Address List - \$50
- (5) Property Owner Address List - \$75
- (6) Printed Property Owner Address Labels - \$150

## **F - FINANCIAL FEES**

- (1) Charge for checks returned for insufficient funds - \$50
- (2) Late payment of License Fee - \$75
- (3) Collection letter from Town Legal Counsel - \$200

## **T - TRASH COLLECTION FEE (127-2)**

- (1) \$269 per Household per year.

## **H - HEARING FEES**

- (1) Board of Adjustment & Zoning - \$750 (160-10-B)
- (2) Council Hearing/ House Move - \$275 (61-12-A)
- (3) Council Hearing/ Sub-Division - \$275 (142-2-A)
- (4) Council Hearing/ Code Variance - \$275

## **O - OTHER FEES**

- (1) Beach Bonfire Permit - \$50 fee & \$100 deposit (73-2-B)
- (2) Animal Impoundment - \$100 + \$60 per day (48-2)
- (3) Villalon Hall Rental - \$20 fee +\$40 deposit
- (4) Ambulance Service - \$41 per household per year
- (5) Special Events - \$100 fee + \$100 deposit plus \$25 each additional group of 25 exceeding 75 person limit. \$100 hr fee Police Coverage events exceeding 75 persons.

## **R - Real Estate Tax**

- (1) \$1.92 per 100

Attest: \_\_\_\_\_  
Agnes D. DiPietrantonio, Town Clerk

\_\_\_\_\_  
Audrey Serio, President of Council

\_\_\_\_\_  
Diane B. Tingle, Council Secretary

*I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed with the noted exception by the President and Council at a meeting on June 22, 2012, at which a quorum was present and voting throughout and the same is still in force and effect.*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diane B. Tingle, Council Secretary

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*PROPOSED*

*APPROVED FIRST READING – MAY 18, 2012*

*APPROVED SECOND READING – JUNE 22, 2012*

## CHAPTER 142 – SUBDIVISION OF LAND

### EXISTING:

§ 142-2.C. A public hearing by the Town Council shall be held at the call of the President of the Council not less than 30 days after notification by registered or certified mail of all affected property owners in the area surrounding the proposed site of the subdivision, development or rearrangement. For the purposes of this chapter, affected property owners shall be considered, as a minimum, the owners of the 20 closest lots surrounding the proposed site, including lots across streets, avenues, highways and canals or lagoons. At least 15 days' notice of the time and place for the hearing shall be published in an official local newspaper.

### PROPOSED:

§ 142-2.C. A public hearing by the Town Council shall be held at the call of the President of the Council not less than 30 days after notification by U.S. First Class Mail of all affected property owners in the area surrounding the proposed site of the subdivision, development or rearrangement. For the purposes of this chapter, affected property owners shall be considered, at a minimum, to be the owners of real property located within 200 feet of the boundaries of the proposed site of the subdivision, surrounding the proposed site, including lots across streets, avenues, highways and canals or lagoons. At least 15 days' notice of the time and place for the hearing shall be published in an official local newspaper.

Posted: June 25, 2012